IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10791 OF 2004

The Bahusar Shikshan Prasarak Mandal & Anr..... ..... Petitioners
V/s
Parmeshwar Gurubasappa Kalburgi & Anr.. .... Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.) Court's or Judge's Orders

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Mr.B.G.Vaidya, Adv. for the petitioner.

Mr.A.P.Paralikar, Adv. For respondent No.1.

CORAM: A.P. DESHPANDE, J.

4.6.2007

PC:

Aggrieved by an order dated 13.9.04 passed by the Presiding Officer, School Tribunal, Pune Region, Solapur this petition has been filed by the School Management. It appears that aggrieved by the order of suspension respondent No.1 filed an appeal before the School Tribunal and the present petitioner raised preliminary objection about maintainability

of the appeal itself on the ground that the order impugned in the appeal falls out of the scope of section 9 of M.E.P.S. Act. Rejection of the said application has given rise to the filing of present writ petition. Impugned order is passed way back in September, 2004 which only goes to reject the application seeking framing of preliminary issue about maintainability of appeal. In my view, ends of justice would be met by directing the Tribunal to decide the appeal itself including the objection raised by the petitioner about maintainability of the appeal. Though I do not propose to interfere with the interlocutory order at this stage, I deem it appropriate and accordingly I direct the Presiding Officer, School Tribunal, Pune Region, Solapur to decide the appeal No.369/04 as expeditiously as possible preferably within a period of three months from today. Writ petition is accordingly disposed of.

4.6.07.